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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/421,718	10/20/1999	JOSEPH MICHAEL CHRISTIE	1128C	4530

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EXAMINER

YAO, KWANG BIN

ART UNIT

PAPER NUMBER

2667

70

DATE MAILED: 08/15/2003

#23

Please find below and/or attached an Office communication concerning this application or proceeding.

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AUG 25 2003

DUFT SETTER OLLILA &amp; BORNSSEN LLC

Due Date: 11/15/03  
Statutory Deadline: 2/15/04  
Date docketed: 8/27/03  
Docketed by: ll  
See: 12m  
Atty: \_\_\_\_\_

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AUG 19 2003

<b>Office Action Summary</b>	<b>Application No.</b> 09/421,718	<b>Applicant(s)</b> CHRISTIE ET AL.	
	<b>Examiner</b> Kwang B. Yao	<b>Art Unit</b> 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 19-29 and 40-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 19-29 and 40-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/1/03 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1, 2, 7, 21-23, 28, 42 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (US 6,069,890).

White et al. discloses a communication system comprising the following features: regarding claims 1 and 22, an interworking unit (Fig. 5, REF 128, 130) configured to receive signaling for a call, transfer the signaling to a signaling converter, receive communications for the call, and convert the communications for the call between a first communication format and a second communication format in response to a control message, the signaling converter (Fig. 5, REF 132,134,136,138) configured to receive the signaling for the call and convert the signaling between a first signaling format and a second signaling format; and the signaling processor (Fig. 5, REF 140, 142) coupled to the signaling converter and the interworking unit and configured to receive the signaling in the second signaling format and process the signaling to generate the control message and transfer the control message; regarding claims 2 and 23, wherein the first communication format and the first signaling format comprise ISDN, see column 14, lines 30-33; regarding claims 7 and 28, wherein the second signaling format comprises SS7, see column 16, lines 14-61; regarding claims 21 and 42, wherein the signaling processor (Fig. 5, REF 126, 128, 130) is configured to process an initial address message. See column 5-18.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 3-6, 8, 19, 20, 24-27, 29, 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 6,069,890) in view of Budhraj et al. (US 5,935,209).

White et al. discloses the claimed limitations above. White et al. does not disclose the features of: regarding claims 3 and 24, wherein the first communication format and the first signaling format comprise GR-303; regarding claims 4 and 25, wherein the first communication format comprises time division multiplexing; regarding claims 5 and 26, wherein the first signaling format comprises B-ISDN; regarding claims 6 and 27, wherein the first communication format comprises an electrical format and the second communication format comprises an optical format; regarding claims 8 and 29, wherein the second communication format comprises ATM; regarding claims 19 and 40, wherein processing the signaling further comprises selecting an identifier for asynchronous communications and converting the communications for the call further comprises using the selected identifier; regarding claims 20 and 41, the signaling processor is configured to process the signaling to select a VPI/VCI and the interworking unit is configured to convert the communications for the call a DSO and the selected VPI/VCI.

Budhraj et al. discloses a system for managing fiber to the curb network comprising the following features: regarding claims 3 and 24, wherein the first communication format and the first signaling format comprise GR-303; regarding claims 4 and 25, wherein the first communication format comprises time division multiplexing; regarding claims 5 and 26, wherein the first signaling format comprises B-ISDN; regarding claims 6 and 27, wherein the first communication format comprises an electrical format and the second communication format comprises an optical format; regarding claims 8 and 29, wherein the second communication format comprises ATM; regarding claims 19 and 40, wherein processing the signaling further

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comprises selecting an identifier for asynchronous communications and converting the communications for the call further comprises using the selected identifier; regarding claims 20 and 41, the signaling processor is configured to process the signaling to select a VPI/VCI and the interworking unit is configured to convert the communications for the call a DSO and the selected VPI/VCI. See Fig. 1, column 3-6, 11-12. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of White et al., by using the features, as taught by Budhraj et al., in order to provide an efficient data communication system.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-8,19-29,40-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Breidenstein et al. (US 5,239,542) discloses a TDM switching system.

Hagen et al. (US 4,476,347) discloses a method for transmitting signals.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

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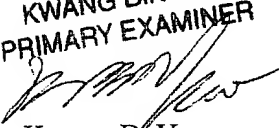
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

KWANG BIN YAO  
PRIMARY EXAMINER

  
Kwang B. Yao  
August 12, 2003